

# Traffic Safety Facts

## Laws

January 2006

## Strengthening Safety Belt Use Laws

### Background

The National Highway Traffic Safety Administration (NHTSA) supports the enactment of primary safety belt laws. *Primary (standard) enforcement* allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger.

*Secondary enforcement* means that a citation for not wearing a safety belt can only be written after

the officer stops the vehicle or cites the offender for another infraction.

Enactment of primary laws sends a message to motorists that safety belt use is an important safety issue that the State takes seriously. The greatest gains have been shown when a primary law works in conjunction with high-visibility enforcement campaigns such as *Click It or Ticket*.

A primary safety belt use law is much more readily enforced than a secondary law. In attitude surveys, officers consistently preferred primary laws and report that a secondary enforcement law is a major deterrent to issuing citations. Abundant research has shown that an upgrade to a primary safety belt law will significantly raise safety belt use rates when combined with education and enforcement.

Traffic crashes are a leading cause of death in the United States. Increasing safety belt use has tremendous potential for saving lives, preventing injuries, and reducing the economic costs associated with crashes.

### Key Facts

- In 2004, 31,693 occupants of passenger vehicles (cars, trucks, vans, and SUVs) were killed in motor vehicle traffic crashes, 74 percent of the

42,636 traffic fatalities reported for the year.

- Of the 29,510 passenger vehicle occupant fatalities for which restraint use was known, an estimated 16,364 (55%) were unrestrained.
- Of the 648 passenger vehicle occupant fatalities for teens 13 to 15 years old for which restraint use was known, 438 (68%) were unrestrained—the highest percentage for any age group.
- Research has found that lap/shoulder safety belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent.
- As of January 2006, 22 States, the District of Columbia, Puerto Rico, American Samoa, Commonwealth of Northern Mariana Islands, and the Virgin Islands have safety belt use laws that provide for primary enforcement. Twenty-seven States have laws that provide for secondary enforcement and one State (New Hampshire) has no adult safety belt use law.

### Successful Examples of Primary Safety Belt Laws

Primary safety belt laws have a proven track record of increasing a State's safety belt use rate. In

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2005, the average safety belt use rate in States with primary enforcement laws was 10 percentage points higher than in States without primary enforcement laws. (Safety belt use was 84 percent in primary law States versus 73 percent in States without primary enforcement.)

When States upgrade their safety belt use laws from secondary to primary, significant increases in safety belt use are often observed. For example, when Delaware and Illinois upgraded their secondary safety belt use laws to primary laws:

- the safety belt use rate in Delaware rose from 71 percent in 2002 to 84 percent in 2005.
- the safety belt use rate in Illinois rose from 74 percent in 2002 to 86 percent in 2005.

## **Public Support Is Strong for Primary Safety Belt Use Laws**

In 2003, NHTSA conducted a survey among a national sample of approximately 6,000 people 16 and older to determine attitudes, knowledge, and reported behaviors regarding occupant protection.

- Overall, 64 percent of the population surveyed believed that law enforcement officers should be allowed to stop a vehicle if they observe only a safety belt use violation (primary enforcement).
- Support for primary enforcement in primary enforcement States was 71 percent. However, even in States with secondary enforcement, the majority (56%) favored primary enforcement.
- Overall support for primary enforcement was greater among

Hispanics (74%) compared to African-Americans (67%) and whites (62%).

## **Addressing Concerns About the Enforcement of Primary Laws**

Motor vehicle crashes are the leading cause of death for African-Americans from birth to age 14 and are the second leading cause of death for African-Americans between 15 and 24. Motor vehicle crashes are the leading cause of death for Hispanics from 1 to 44 years old, and are the third leading cause of death for Hispanics of all ages, surpassed only by heart disease and cancer. However, a major concern about the enforcement of primary occupant protection laws expressed by opponents is differential enforcement—the targeting of people from different racial and ethnic groups by law enforcement officers enforcing traffic laws.

The National Organization of Black Law Enforcement Executives (NOBLE), the Nation's leading organization of minority law enforcement officials, examined this issue extensively during 2000 and 2001. As a result, NOBLE has voiced support for law enforcement training, educational outreach to the African-American community, and passage of primary safety belt laws to increase safety belt use among African-Americans.

The Congressional Black Caucus has stated that increasing safety belt use among African-Americans is an “urgent national health priority.” The National Black Caucus of State Legislators and the National Conference of Black Mayors have also expressed support for strong laws that increase safety belt use and

include safeguards for uniform enforcement.

The ASPIRA Association, Inc., a national organization dedicated to the education and leadership development of Hispanic youth, also has expressed its support for primary safety belt legislation. ASPIRA passed a resolution supporting primary enforcement of State safety belt and child safety seat use laws and efforts to promote compliance with such laws.

Recognizing the contribution that primary laws make to safety belt use among all groups, many minority group legislators have supported primary law upgrades in their States. Some of these legislators have testified publicly that following upgrades to primary safety belt laws, they have seen neither backlash in their communities nor evidence of differential enforcement of the new laws.

## **Protect All Vehicle Occupants in All Passenger Vehicles**

Safety belt use laws vary from State to State with some laws covering only front-seat occupants, some providing for only secondary safety belt enforcement, and some exempting pickup trucks and vans. Some States fail to address the issue of children riding as passengers in the cargo area of pickup trucks. About 98 children and teenagers die each year as a result of riding in cargo areas of pickup trucks.

Having a strong, well-written safety belt use law is crucial to saving lives. In 2002, NHTSA formed a partnership with the National Committee on Uniform Traffic Laws and Ordinances, the

National Transportation Safety Board, the Air Bag & Seat Belt Safety Campaign, the Automotive Coalition for Traffic Safety, Inc. (ACTS), and the Governors Highway Safety Association to develop a "model law" that can assist States in drafting the language needed to eliminate the gaps that often occur in occupant protection legislation. The model law requires that when a motor vehicle is driven, every passenger shall have a safety belt properly secured around their body at all times. The model law is available at [www.ncutlo.org](http://www.ncutlo.org).

## Fines Play a Part in Increasing Belt Use

There is evidence to support the belief that higher fines are associated with higher safety belt use rates. In its report on the 2001 Safety Belt Summit, ACTS reported that the level of fines had an impact on safety belt usage. ACTS examined State-conducted belt use surveys from 1998 and 1999 and observed that belt use averaged six points higher in States having fines of \$30 and above than in States with fines less than \$30.

## Occupant Protection Grant Programs

On August 10, 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

(SAFETEA-LU). In addition to providing funding for improving America's roadways, bridges, and transit systems, this comprehensive legislation provides funding for increasing safety belt and child safety seat use.

**SECTION 402 STATE AND COMMUNITY HIGHWAY SAFETY GRANTS** provide funds to support State highway safety programs, designed to reduce traffic crashes and resulting deaths, injuries, and property damage. A State may use these grant funds only for highway safety purposes; at least 40 percent of these funds are to be used by political subdivisions for the benefit of the State.

**SECTION 405 (a) OCCUPANT PROTECTION INCENTIVE GRANTS** provide funds to encourage States to adopt and implement effective programs to reduce deaths and injuries from riding unrestrained or improperly restrained in motor vehicles. A State may use the grant funds only to implement and enforce occupant protection programs. A State is eligible for an incentive grant by adopting or demonstrating that it has implemented at least four out of six qualifying criteria requirements.

**SECTION 406 SAFETY BELT PERFORMANCE GRANTS** provide funds to encourage the enactment and enforcement of safety belt laws requiring the use of safety belts in all passenger

motor vehicles. A State may use these grant funds for any safety purpose under this Title or for any project that corrects or improves a hazardous roadway location or feature or proactively address highway safety problems.

**SECTION 2011 CHILD SAFETY AND BOOSTER SEAT INCENTIVE GRANTS** provide funds to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirement prescribed under section 3 of Anton's Law (49 U.S.C 30127 note; 116 Stat. 2772). States are eligible to receive grants under this section by enacting and enforcing a law requiring any child passenger in a motor vehicle to be secured in a child restraint that meets the requirements prescribed under section 3 of Anton's Law.

## References

"Safety Belt use in 2005 – Overall Results, Traffic Safety Facts Research Note," National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Washington, DC, August 2005.

**Reports and additional information are available from your State Highway Safety Office; the NHTSA Regional Office serving your State; NHTSA Headquarters, Safety Programs Office, ATTN: NTS-122, 400 Seventh Street, SW., Washington, DC 20590; 202-366-2724; or NHTSA's Web site at [www.nhtsa.gov](http://www.nhtsa.gov).**



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